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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,668	12/09/2003	Frank T. Brzozowski	KOP665	6351

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EXAMINER

PARSLEY, DAVID J

ART UNIT PAPER NUMBER

3643

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/731,668

Applicant(s)

BRZOZOWSKI, FRANK T.

Examiner

David J. Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2, 4, 5, 7-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2, 4, 5, 7-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### *Amendment*

1. This office action is in response to applicant's amendment dated 5-18-05 and this action is final.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,530,181 to Ender in view of U.S Patent No. 2,539,234 to Dobkowski.

Referring to claim 2, Ender discloses a bottom fishing rig comprising, an elongated leader – at 12, having two opposite ends, a hook end – proximate 14, and a line end – proximate 10, the hook end having a hook eye loop therein – see for example figures 1 and 4, the line end having a line eye loop therein – see figures 1 and 3, a first movement stop – at 44-48, frictionally connected to the leader adjacent the line end – see for example figures 1 and 3, a second movement stop – at the eyelet of 14, frictionally connected to the leader, the second movement stop located between the first movement stop and the leader hook end – see for example figures

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1 and 4, and a c-weight – at 10, connected to the leader – see figures 1-4, the c-weight having a substantially c-shape, the c-weight having a first end, the first end having a first bore – at 40, therethrough, the c-weight having a second end, the second end having a second bore – at 42 therethrough – see for example figure 2. Ender does not disclose the c-weight has a first slot connected to the first bore and the c-weight having a second slot connected to the second bore. Dobkowski does disclose the c-weight – at 9, has a first slot – at 11, connected to the first bore – see for example figures 1-3, and a second slot – see proximate 16 and/or 17, connected to the second bore – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender and add the first and second slots of Dobkowski, so as to allow for the leader and fishing line to be securely connected to the weight.

Referring to claim 13, Ender discloses a bottom fishing rig comprising, an elongated leader – at 12, having two opposite ends, a hook end – proximate 14, and a line end – proximate 10, the hook end having a hook eye loop therein – see for example figures 1 and 4, the line end having a line eye loop therein – see figures 1 and 3, a first movement stop – at 44-48, frictionally connected to the leader adjacent the line end – see for example figures 1 and 3, a second movement stop – at the eyelet of 14, frictionally connected to the leader, the second movement stop located between the first movement stop and the leader hook end – see for example figures 1 and 4, and a c-weight – at 10, connected to the leader – see figures 1-4, the c-weight having a substantially c-shape, the c-weight having a first end, the first end having a first bore – at 40, therethrough, the c-weight having a second end, the second end having a second bore – at 42 therethrough – see for example figure 2. Ender further discloses the c-weight has a groove – see at the upper and lowermost portions of the bores 40,42 in figures 1-4, for allowing the c-weight

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to be fixedly connected to the leader – see for example figures 1-4. Ender does not disclose the c-weight has a first slot connected to the first bore and the c-weight having a second slot connected to the second bore. Dobkowski does disclose the c-weight – at 9, has a first slot – at 11, connected to the first bore – see for example figures 1-3, and a second slot – see proximate 16 and/or 17, connected to the second bore – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender and add the first and second slots of Dobkowski, so as to allow for the leader and fishing line to be securely connected to the weight.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as applied to claim 2 above, and further in view of U.S. Patent No. 4,177,599 to Pettersen.

Referring to claim 4, Ender as modified by Dobkowski further discloses a treble hook – at 14 or 18, connected to the leader – at 12 – see for example figures 1 and 4 of Ender. Ender as modified by Dobkowski does not disclose the hook is located between the second movement stop and the hook eye loop. Pettersen does disclose the hook – at 18, is located between the second movement stop – at 1, and the hook eye loop – proximate 13 – see for example figures 1-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and add the treble hook of Pettersen, so as to allow for the device to be located at different depths in the water.

Referring to claim 9, Ender as modified by Dobkowski does not disclose the first and second movement stops are comprised of split shots. Pettersen does disclose the first and second movement stops – at 1 and 9, are comprised of split shots – see for example figures 1-6.

Therefore it would have been obvious to one of ordinary skill in the art to take the device of

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Ender as modified by Dobkowski and add the first and second movement stops comprising split shots of Pettersen, so as to allow for the movement stops to be movable and adjustable.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski and Pettersen as applied to claim 4 above, and further in view of U.S. Patent No. 1,208,936 to England. Ender as modified by Dobkowski and Pettersen does not disclose the treble hook has three barbs which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris. England does disclose the treble hook – at 11-18, has three barbs which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and Pettersen and add the treble hook of England, so as to allow for the hook to not be caught in weeds in the water.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski and Pettersen as applied to claim 4 above, and further in view of U.S. Patent No. 5,950,348 to Gruel.

Referring to claim 7, Ender as modified by Dobkowski and Pettersen does not disclose a snap connected to the swivel. Gruel does disclose a snap – at 33, connected to the swivel – at 29-32, see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and Pettersen and add the snap connected to the swivel of Gruel, so as to allow for the device to be quickly connected and disconnected to other objects.

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Referring to claim 8, Ender as modified by Dobkowski, Pettersen and Gruel further discloses a treble hook – at 38, connected to the snap – see for example figures 1-2 of Gruel.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski and Pettersen as applied to claim 4 above.

Referring to claim 10, Ender as modified by Dobkowski and Pettersen does not disclose the leader is approximately 10 inches long. However, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and Pettersen and add the leader being approximately 10 inches long, so as to allow for the device be made more attractive to fish. Further, the length of the leader is a characteristic of the device determined via experimentation.

Referring to claim 11, Ender as modified by Dobkowski and Pettersen does not disclose the first movement stop is located approximately two inches from the leader line end. However, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and Pettersen and add the first movement stop being approximately 2 inches from the leader line end, so as to allow for the stop to not interfere with the movement of the line. Further, the distance of the first movement stop from the leader line end is a characteristic of the device determined via experimentation.

Referring to claim 12, Ender as modified by Dobkowski and Pettersen does not disclose the second movement stop is located approximately three inches from the leader hook end. However, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and Pettersen and add the second movement stop being approximately 3 inches from the leader hook end, so as to allow for the stop to not interfere with

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the movement of the hook. Further, the distance of the second movement stop from the leader hook end is a characteristic of the device determined via experimentation.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski as applied to claim 13 above, and further in view of U.S. Patent No. 1,208,936 to England.

Referring to claim 14, Ender as modified by Dobkowski does not disclose the treble hook has three barbs, which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris. England does disclose the treble hook – at 11-18, has three barbs which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and add the treble hook of England, so as to allow for the hook to not be caught in weeds in the water.

Referring to claim 15, Ender as modified by Dobkowski and England further discloses a swivel – at 46,48 of Ender, connected to the leader hook eye loop – see for example figures 1-4 of Ender.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski and England as applied to claim 15 above, and further in view of U.S. Patent No. 5,950,348 to Gruel.

Referring to claim 16, Ender as modified by Dobkowski and England does not disclose a snap connected to the swivel. Gruel does disclose a snap – at 33, connected to the swivel – at 29-32, see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in



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the art to take the device of Ender as modified by Dobkowski and England and add the snap connected to the swivel of Gruel, so as to allow for the device to be quickly connected and disconnected to other objects.

Referring to claim 17, Ender as modified by Dobkowski, England and Gruel further discloses a treble hook – at 38, connected to the snap – see for example figures 1-2 of Gruel.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ender as modified by Dobkowski, England and Gruel as applied to claim 17 above, and further in view of Pettersen.

Referring to claim 18, Ender as modified by Dobkowski, England and Gruel does not disclose the first and second movement stops are comprised of split shots. Pettersen does disclose the first and second movement stops – at 1 and 9, are comprised of split shots – see for example figures 1-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski, England and Gruel and add the first and second movement stops comprising split shots of Pettersen, so as to allow for the movement stops to be movable and adjustable.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ender in view of Dobkowski, England, Gruel and Pettersen. Ender discloses a bottom fishing rig comprising, an elongated leader – at 12, having two opposite ends, a hook end – proximate 14, and a line end – proximate 10, the hook end having a hook eye loop therein – see for example figures 1 and 4, the line end having a line eye loop therein – see figures 1 and 3, a first movement stop – at 44-48, frictionally connected to the leader adjacent the line end – see for example figures 1 and 3, a second movement stop – at the eyelet of 14, frictionally connected to the leader, the second

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movement stop located between the first movement stop and the leader hook end – see for example figures 1 and 4, and a c-weight – at 10, connected to the leader – see figures 1-4, the c-weight having a substantially c-shape, the c-weight having a first end, the first end having a first bore – at 40, therethrough, the c-weight having a second end, the second end having a second bore – at 42 therethrough – see for example figure 2. Ender further discloses the c-weight has a groove – see at the upper and lowermost portions of the bores 40,42 in figures 1-4, for allowing the c-weight to be fixedly connected to the leader – see for example figures 1-4. Ender does not disclose the c-weight has a first slot connected to the first bore and the c-weight having a second slot connected to the second bore. Dobkowski does disclose the c-weight – at 9, has a first slot – at 11, connected to the first bore – see for example figures 1-3, and a second slot – see proximate 16 and/or 17, connected to the second bore – see for example figures 1-3. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender and add the first and second slots of Dobkowski, so as to allow for the leader and fishing line to be securely connected to the weight. Enders as modified by Dobkowski does not disclose the treble hook has three barbs, which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris. England does disclose the treble hook – at 11-18, has three barbs which are disposed within a 180 degree section, this placement of the barbs allows the treble hook to slide upon the lake bottom without being caught on debris – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and add the treble hook of England, so as to allow for the hook to not be caught in weeds in the water. Ender as modified by Dobkowski and England further discloses a swivel – at 46,48 of Ender, connected

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to the leader hook eye loop – see for example figures 1-4 of Ender. Ender as modified by Dobkowski and England does not disclose a snap connected to the swivel. Gruel does disclose a snap – at 33, connected to the swivel – at 29-32, see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski and England and add the snap connected to the swivel of Gruel, so as to allow for the device to be quickly connected and disconnected to other objects. Ender as modified by Dobkowski, England and Gruel further discloses a treble hook – at 38, connected to the snap – see for example figures 1-2 of Gruel. Ender as modified by Dobkowski, England and Gruel does not disclose the first and second movement stops are comprised of split shots. Pettersen does disclose the first and second movement stops – at 1 and 9, are comprised of split shots – see for example figures 1-6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski, England and Gruel and add the first and second movement stops comprising split shots of Pettersen, so as to allow for the movement stops to be movable and adjustable. Ender as modified by Dobkowski, England, Gruel and Pettersen does not disclose the leader is approximately 10 inches long, the first movement stop is located approximately two inches from the leader line end and the second movement stop is located approximately three inches from the leader hook end. However, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski, England, Gruel and Pettersen and add the leader being approximately 10 inches long, so as to allow for the device be made more attractive to fish. Further, the length of the leader is a characteristic of the device determined via experimentation. Further, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski,

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England, Gruel and Pettersen and add the first movement stop being approximately 2 inches from the leader line end, so as to allow for the stop to not interfere with the movement of the line. Further, the distance of the first movement stop from the leader line end is a characteristic of the device determined via experimentation. Further, it would have been obvious to one of ordinary skill in the art to take the device of Ender as modified by Dobkowski, England, Gruel and Pettersen and add the second movement stop being approximately 3 inches from the leader hook end, so as to allow for the stop to not interfere with the movement of the hook. Further, the distance of the second movement stop from the leader hook end is a characteristic of the device determined via experimentation.

### *Response to Arguments*

3. Regarding claims 2 and 13, applicant argues that the Ender reference US 4530181 teaches away from using a second stop. However, as seen in paragraph 2 above the Ender reference does disclose a second stop – at the eyelet of item – 14 as seen in figure 1 of Ender. Applicant's invention may be different than the invention of Ender, however applicant's claimed invention is disclosed by Ender as seen above in paragraph 2 of this office action.

Regarding claims 4-5, 7-12 and 14-19, applicant argues that having a treble hook located between the second movement stop and the hook eye loop in the Ender reference would not allow the Ender device to function in its intended manner. However, as seen in figures 1-4 of the Ender reference treble hooks – connected at 14 or 18, are attached to the c-weight in a position not between the second stop and the hook eye loop and it is deemed that the device of Ender

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would perform equally as well with the treble hooks located anywhere else on the leader – at 12. The weight – at 10, would still allow the primary fishing line to separate with the downrigger line with the treble hook located anywhere on the leader – 12 in that the hook would not interfere with the c-weight – at 10 as seen in figure 1.

Regarding claim 20, applicant argues that the Ender reference US 4530181 teaches away from using a second stop. However, as seen in paragraph 2 above the Ender reference does disclose a second stop – at the eyelet of item – 14 as seen in figure 1 of Ender. Applicant's invention may be different than the invention of Ender, however applicant's claimed invention is disclosed by Ender as seen above in paragraph 2 of this office action. Further, applicant argues that having a treble hook located between the second movement stop and the hook eye loop in the Ender reference would not allow the Ender device to function in its intended manner. However, as seen in figures 1-4 of the Ender reference treble hooks – connected at 14 or 18, are attached to the c-weight in a position not between the second stop and the hook eye loop and it is deemed that the device of Ender would perform equally as well with the treble hooks located anywhere else on the leader – at 12. The weight – at 10, would still allow the primary fishing line to separate with the downrigger line with the treble hook located anywhere on the leader – 12 in that the hook would not interfere with the c-weight – at 10 as seen in figure 1.

### *Conclusion*

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley  
Patent Examiner  
Art Unit 3643



**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

6/23/05